

## BEFORE THE FEDERAL ELECTION COMMISSION

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
SECRETARIAT

In the Matter of )

MUR 5796 )

SHAWN O'DONNELL FOR CONGRESS )

2007 APR 23 P 3:10  
CASE CLOSURE UNDER THE  
ENFORCEMENT PRIORITY SYSTEM**SENSITIVE**

## GENERAL COUNSEL'S REPORT

Under the Enforcement Priority System, matters that are low-rated

are forwarded to the Commission with a recommendation for dismissal. The

Commission has determined that pursuing low-rated matters compared to other higher rated matters on the Enforcement docket warrants the exercise of its prosecutorial discretion to dismiss these cases.

The Office of General Counsel scored MUR 5796 as a low-rated matter. In this case, the complainant alleges that the Shawn O'Donnell for Congress committee maintained two websites without reporting any associated expenditures and failed to report expenditures for a production company that travels with the candidate to campaign events.

The candidate responded on behalf of his committee by noting that his committee did report the expenditures for the two websites as advertising expenses.<sup>2</sup> Furthermore, the candidate claims that his committee did not employ a production company when he traveled

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<sup>2</sup> The response makes a passing reference to the fact that the committee was not always successful in complying with FEC regulations in a complete and timely manner. This Office cannot assess, based on the response, whether the respondent is referring to the timely reporting of the expenditures in the present case or previous failure to file notices stemming from the same election cycle

1 around his district. Instead, the candidate states that volunteers who possessed their own  
2 cameras and video equipment accompanied him. Thus, the committee was not obligated to  
3 report the volunteer activity.

4 In light of the de minimis nature of the allegations presented in MUR 5796 and the  
5 fact the candidate committee reported its expenditures related to the maintenance of its two  
6 websites, and in furtherance of the Commission's priorities and resources, relative to other  
7 matters pending on the Enforcement docket, the Office of General Counsel believes that the  
8 Commission should exercise its prosecutorial discretion and dismiss the matter. *See Heckler*  
9 *v. Chaney*, 470 U.S. 821 (1985).

10 **RECOMMENDATION**

11 The Office of General Counsel recommends that the Commission dismiss MUR  
12 5796, close the file effective two weeks from the date of the Commission vote, and approve  
13 the appropriate letters. Closing the case as of this date will allow CELA and General Law  
14 and Advice the necessary time to prepare the closing letters and the case file for the public  
15 record.

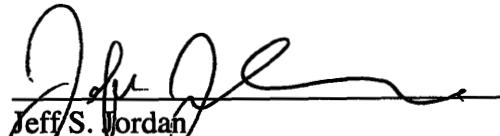
16 Thomasenia P. Duncan  
17 Acting General Counsel  
18

19  
20 4/03/07  
21 Date

22 BY:

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24 \_\_\_\_\_

25 Gregory R. Baker  
26 Special Counsel  
27 Complaints Examination  
28 & Legal Administration  
29

  
Jeff S. Jordan  
Supervisory Attorney  
Complaints Examination  
& Legal Administration

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8 Attachment:  
9 Narrative in MUR 5796

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5 **MUR 5796**  
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7 **Complainant:** J. Russ Moulton, Jr.  
8

9 **Respondents:** Shawn O'Donnell for Congress and  
10 Anthony Varga, as Treasurer  
11 Shawn Michael O'Donnell  
12  
13

14 **Allegations:** The complainant alleges that the Shawn O'Donnell for Congress committee  
15 has maintained two websites without reporting any associated expenditures and has failed  
16 to report expenditures for a production company that travels with the candidate to  
17 campaign events. The complainant also points out that the campaign committee's  
18 website openly advertises a book that Mr. O'Donnell authored with a link to purchase the  
19 book from an on-line vendor without any evidence that the proceeds from the sales of the  
20 book go to charity.  
21

22 **Response:** The candidate responded by noting that his committee did report the  
23 expenditures for the two websites as advertising expenses. Furthermore, the candidate  
24 claims that his committee did not employ a production company when he traveled around  
25 his district. Instead, the candidate states that volunteers who possessed their own  
26 cameras and video equipment accompanied him. Thus, the committee was not obligated  
27 to report the volunteer activity.  
28

29 **Date complaint filed:** August 17, 2006  
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31 **Responses filed:** September 11, 2006

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